

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHEIK HASAN-EL #163990,

Plaintiff,

File No. 2:06-CV-264

v.

HON. ROBERT HOLMES BELL

UNITED STATES OF AMERICA, et al.,

Defendants.

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On November 7, 2006, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation recommending that Plaintiff Sheik Hasan-El's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2), 28 U.S.C. § 1915A, and 42 U.S.C. § 1997e(c) for failure to state a claim on which relief can be granted. The report and recommendation was duly served on the parties. Plaintiff filed objections to the report and recommendation on November 22, 2006.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure this Court is required to make a *de novo* review upon the record of those portions of the magistrate's disposition to which specific written objection has been made. The R&R recommends dismissal of Plaintiff's complaint because the numerous state governmental entities are immune from suit; as to the municipal defendants, Plaintiff has failed to identify an unconstitutional policy or

custom that caused his injury; and Plaintiff has failed to allege any factual basis for a claim against the federal defendants.

Although Plaintiff's objections are voluminous,¹ his objections, like his original complaint, are largely incoherent. Plaintiff's objections contain a restatement of the factual allegations from his complaint as well as legal citations and arguments on matters ranging from diversity of citizenship, to exhaustion of administrative remedies, to interstate commerce, to temporary restraining orders, to RICO conspiracies, to personal jurisdiction, to class actions. However, nothing in the objections is responsive to the legal deficiencies noted in the R&R. Plaintiff's objections do not suggest that the Magistrate Judge's analysis was incorrect, nor do they attempt to cure the failure to state a claim. Upon review, the Court agrees with the Magistrate Judge's recommendation that Plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the Report and Recommendation of the Magistrate Judge (Docket # 15) are **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c).

¹Plaintiff's objections are 99 pages in length, not including his 15 pages of exhibits.

IT IS FURTHER ORDERED that this dismissal shall count as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

Date: June 4, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE